

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED BY *[Signature]* D.C.

ROBERT R. DI TROLIO  
CLERK, U.S. DIST. CT.  
W.D. OF TN, MEMPHIS

SHERNEENA R. NIXON, )  
                        )  
Plaintiff,           )  
                        )  
v.                     )  
JOHN E. POTTER, POSTMASTER )  
GENERAL, U.S. POSTAL SERVICE, )  
                        )  
Defendant.           )

NO.: 04-2464-D-An

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**RULE 16(b) SCHEDULING ORDER**

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Pursuant to the scheduling conference set by written notice, the following dates were established as the final dates for:

**INITIAL DISCLOSURES (RULE 26(a)(1)):** JUNE 29, 2005

**JOINING PARTIES:**

for Plaintiff: AUGUST 18, 2005  
for Defendant: AUGUST 18, 2005

**AMENDING PLEADINGS:**

for Plaintiff: AUGUST 18, 2005  
for Defendant: AUGUST 18, 2005

**INITIAL MOTIONS TO DISMISS:** SEPTEMBER 6, 2005

**COMPLETING ALL DISCOVERY:**

(a) **REQUESTS FOR PRODUCTION, INTERROGATORIES and  
REQUESTS FOR ADMISSIONS:** FEBRUARY 17, 2006

This document entered on the docket sheet in compliance  
with Rule 58 and/or 79(a) FRCP on 6-9-05

(19)

(b) **EXPERT DISCLOSURE (Rule 26(a)(2)):**

- (i) Plaintiff's Experts: **DECEMBER 19, 2005**
- (ii) Defendant's Experts: **JANUARY 18, 2006**
- (iii) Supplementation under Rule 26(e): **JANUARY 25, 2006**

(c) **DEPOSITIONS OF EXPERTS:** **FEBRUARY 17, 2006**

**FILING DISPOSITIVE MOTIONS:** **MARCH 17, 2006**

**FINAL LISTS OF WITNESSES AND EXHIBITS (Rule 26(a)(3)):**

- (a) for Plaintiff: **45 Days Prior to Trial**
- (b) for Defendant: **30 Days Prior to Trial**

Parties shall have 10 days after service of final lists of witnesses and exhibits to file objections under Rule 26(a)(3).

The trial of this matter is expected to last 3 days. The presiding judge will set this matter for **NON-JURY TRIAL**. In the event the parties are unable to agree on a joint pretrial order, the parties must notify the court at least ten days before trial.

**OTHER RELEVANT MATTERS:**

Interrogatories, Requests for Production and Requests for Admissions must be submitted to the opposing party in sufficient time for the opposing party to respond by the deadline for completion of discovery. For example, if the FRCP allow 30 days for a party to respond, then the discovery must be submitted at least 30 days prior to the deadline for completion of discovery.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or service of the response, answer, or objection which is the subject of the motion if the default occurs within 30 days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or any objection to the default, response, or answer shall be waived.

The parties are reminded that pursuant to Local Rule 7(a)(1)(A) and (a)(1)(B), all motions, except motions pursuant to FRCP 12, 56, 59, and 60, shall be accompanied by a proposed Order and a Certificate of Consultation.

The opposing party may file a response to any motion filed in this matter. Neither party

may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

At this time, the parties have not given consideration to whether they wish to consent to trial before the magistrate judge. The parties will file a written consent form with the court should they decide to proceed before the magistrate judge.

***The parties are encouraged to engage in court-annexed attorney mediation or private mediation on or before the close of discovery.***

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this Order will not be modified or extended.

**IT IS SO ORDERED.**

  
S. THOMAS ANDERSON  
UNITED STATES MAGISTRATE JUDGE

Date: June 08, 2005



# Notice of Distribution

This notice confirms a copy of the document docketed as number 19 in case 2:04-CV-02464 was distributed by fax, mail, or direct printing on June 9, 2005 to the parties listed.

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Honorable Bernice Donald  
US DISTRICT COURT